

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JO ANN JOHNSON,)	
)	
Plaintiff,)	Cause No.:
)	
v.)	Circuit Court of Butler County
)	Case No.: 14BT-CV01782
GEICO CASUALTY COMPANY,)	
)	
Defendant.)	

DEFENDANT GEICO GENERAL INSURANCE COMPANY'S
NOTICE OF REMOVAL

COMES NOW Defendant GEICO General Insurance Company ("GEICO"), improperly named in Plaintiff's Petition as GEICO Casualty Company, by and through the undersigned counsel, pursuant to 28 U.S.C. § 1441, and files this Notice of Removal of the above lawsuit, originally filed in the Circuit Court of Butler County, State of Missouri, and in support of its Notice of Removal, states as follows:

1. This case is a civil action over which this Court has original jurisdiction, pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court under 28 U.S.C. § 1441.
2. Plaintiff Jo Ann Johnson ("Plaintiff") is a citizen of the State of Missouri.
3. GEICO is a foreign corporation organized under the laws of the State of Maryland, with its principal place of business in Chevy Chase, Maryland.
4. In her Petition, Plaintiff, a Missouri citizen, seeks damages for breach of contract and vexatious refusal to pay against GEICO, a citizen of Maryland, alleging GEICO owes her underinsured motorist (UIM) coverage arising out of a July 26, 2013, motor vehicle accident under a policy of insurance issued to her by GEICO, in the amount of her alleged \$50,000 UIM

limit stacked across the two vehicles covered by the policy, for a total of \$100,000 in alleged UIM benefits. A copy of Plaintiff's Petition is attached as Exhibit A.

5. The amount in controversy in this case therefore exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See* Ex. A.

6. Because complete diversity of citizenship exists between Plaintiff and GEICO and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), removal to this Court is proper under 28 U.S.C. §§ 1332, 1441, and 1446.

7. Venue is proper in the Southeastern Division of this Court pursuant to Local Rule 3-2.07(A)(3), as the alleged motor vehicle accident occurred in Butler County, Missouri, and Plaintiff filed suit against GEICO in the Circuit Court of Butler County, State of Missouri. (Ex. A).

8. Under 28 U.S.C. § 1446(b), this Notice of Removal is timely filed with this Court within 30 days of GEICO's receipt of notice of Plaintiff's lawsuit.

9. There is filed as an attachment to this Notice of Removal a true and correct copy of the state court's complete file, including all process, papers, exhibits, pleadings, orders, and other documents served upon GEICO in this action and currently on file in the Circuit Court of Butler County, State of Missouri.

10. Also accompanying and attached to this Notice of Removal is an Original Filing Form.

11. Also accompanying and attached to this Notice of Removal is a Civil Cover Sheet for filing in this Court.

12. GEICO has given written notice to Plaintiff of the filing of this Notice of Removal and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Butler County, State of Missouri, as required by 28 U.S.C. § 1446.

13. Based on the foregoing, GEICO respectfully requests that this Court accept jurisdiction of this action.

WHEREFORE, Defendant GEICO General Insurance Company, improperly named in Plaintiff's Petition as GEICO Casualty Company, respectfully requests the above-captioned action be removed from the Circuit Court of Butler County, State of Missouri, to this Court, and for such other and further relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

BROWN & JAMES, P.C.

/s/ Russell F. Watters

Russell F. Watters, #25758MO

Cynthia M. Juedemann, #63921MO

800 Market Street, Suite 1100

St. Louis, Missouri 63101-2501

314-421-3400

314-421-3128 – Fax

rwatters@bjpc.com

cjuedemann@bjpc.com

Attorneys for Defendant GEICO General Insurance Company

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served via U.S. Mail, postage prepaid, and via the court's electronic filing system this 7th day of November, 2014, to:

Kyle Warren
Edmundson, Richardson, Innes & Warren
P.O. Box 1049
Poplar Bluff, MO 63902-1049

/s/ Russell F. Watters

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